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APR 03 2009

Ref: EPR-N

Joe Incardine, EIS Project Manager
Bureau of Land Management
440 West 200 South, Suite 500
Salt Lake City, UT 84145-0155

Re: UNEV Pipeline Draft EIS
CEQ # 20080523

Dear Mr. Incardine:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) 42 U.S.C. 4232(2)(c) and Section 309 of the Clean Air Act 42 U.S.C. Section 7609, the U.S. Environmental Protection Agency (EPA) Region 8 has reviewed the *UNEV Pipeline Draft Environmental Impact Statement* (DEIS). Section 309 of the Clean Air Act directs EPA to review and comment in writing on the environmental impacts of any major federal agency action. EPA's comments include a rating of the environmental impact of the proposed action and the adequacy of the NEPA document.

UNEV Pipeline, LLC (UNEV) is proposing to construct and operate a 399-mile 12-inch diameter main petroleum products pipeline, and related facilities, extending from Woods Cross, Utah (North Salt Lake City area) to Apex, Nevada (northeast of Las Vegas) to deliver multiple grades of gasoline and diesel fuel. The projected flow rate for the pipeline is estimated at 62,000 barrels-per-day (BPD), but will be designed to manage a maximum flow rate of 112,850 BPD. The UNEV Pipeline would include an inlet pumping station at its origin, and two terminals located in the Apex Industrial Complex (Apex terminal) and another northwest of Cedar City, Utah (Cedar City terminal) for storage of gasoline, ethanol (trucked in), diesel and transmix in 14 tanks total. The proposed project also includes a 2.4-mile long lateral line terminating at Salt Lake Airport, and an approximately 10-mile long lateral line to the Cedar City terminal. According to the DEIS, the UNEV pipeline will be capable of receiving refined products from multiple refineries in the Salt Lake City area, Wyoming, and Montana in order to respond to the increasing demand for petroleum products resulting from high population growth in Utah and Nevada. In addition to the Proposed Action, four Action Alternatives are also considered in the EIS, as well as a No Action alternative. The purpose of the DEIS is for the Bureau of Land Management (BLM) to evaluate and disclose potential impacts of the proposed project and alternatives, to assist BLM in determining whether to issue a right-of-way (ROW) grant for the project and to amend the Pony Express Resource Mangement Plan (RMP) to establish a utility corridor for this ROW. The BLM identified the Preferred Alternative as the Proposed Action

alignment with modifications; the four Action Alternative alignments would be incorporated and replace four segments of the Proposed Action pipeline alignment.

EPA has concerns regarding environmental impacts of the Preferred Action, and believes more mitigation information is needed in certain areas. Based on the document review, EPA is primarily concerned with the following three components described in the DEIS: 1.) disturbance and subsequent impacts to the Jacobs Smelter Superfund Site (Site), a National Priorities List site with associated human health and environmental risks; 2.) impacts to wetlands and water resources during pipeline construction and operation; and 3.) insufficient and/or inconclusive analysis criteria used in determining air quality impact projections. Detailed comments regarding these three areas of concern, as well as other notable points, are enclosed with this letter.

EPA also believes that greater weight should be given to the probability of spills occurring given the size of the project and we recommend that additional prevention measures be implemented to protect water resources. Although Appendix C in the February 2009 Plan of Development (POD) states that the proponent has prepared a Spill Prevention and Control Plan, descriptions of preventative and mitigative measures to avoid or minimize impacts of spills are generalized and deficient in detail. Additionally, the DEIS seems to lack specificity regarding future expansion plans for this corridor. Although the DEIS visually illustrates expansion plans of the Cedar City terminal, the text dismisses any definite plans for future expansion or additional facilities, and the possibility of a midpoint pump station "remains speculative." (DEIS pages 2-7 and 2-31) However, potential direct and cumulative impacts, especially involving or impacting any of the hazardous sites, should be disclosed as soon as practicable in the NEPA process for adequate analysis.

EPA's Jacobs Smelter Site Team also has had an opportunity to review and comment on the DEIS and POD as they relate to the Jacobs Smelter Superfund Site (SSID 08-2X), and their comments are included herein. However, the POD containing mitigation plans was only recently received by EPA on February 26, 2009, so it has not been possible to conduct as full an assessment of that document as we had hoped. Although some immediate issues are outlined in the detailed comments section of this letter, additional information is needed for a full evaluation of the impacts at the Site. As additional information is furnished, some of these issues may become moot and others may emerge. Since EPA has not issued a Record of Decision (ROD) for the Site, there are no final action or remediation levels for specific land uses, either present uses or future uses. This has implications in evaluating proposed activities within the Site. Please note that additional comments pertaining to the Site that are outside of the NEPA analysis process will be sent under separate cover.

EPA recognizes the amount of effort that BLM has invested in drafting the DEIS and subsequent POD, and appreciates BLM staff's spirit of cooperation in discussing EPA concerns. EPA notes that the POD was not included with the DEIS, yet it provides supplementary information critical for evaluating the content of the DEIS. In addition to the POD, EPA believes more information and/or analysis as discussed in this letter is needed for decision makers to adequately assess all potential actions.

EPA's role is to evaluate the potential effects of proposed actions and the adequacy of the information in the DEIS. We rate this DEIS an "EC-2" (environmental concerns, insufficient information). The EC rating indicates that the EPA review has identified environmental impacts that should be avoided in order to adequately protect the environment. We also recommend additional analysis and information to fully assess and mitigate all potential impacts of the management actions. A complete description of EPA's EIS rating system is enclosed, as well as detailed comments used to determine the project's rating.

We appreciate the opportunity to participate in the review of this project, and value BLM's willingness to resolve these matters prior to the issuance of the Final EIS (FEIS). If we may provide further explanation of our concerns during this stage of your planning process, please contact me at 303-312-6004, or Melanie Wasco of my staff at 303 312-6540.

Sincerely,

Jane E. Hanley (actg)

Larry Svoboda
Director, NEPA Program
Ecosystems Protection and Remediation

Enclosures

cc: Ann McPherson
Environmental Review Office
U.S. EPA Region 9

Detailed Comments by the US EPA R8
UNEV Pipeline Project Draft EIS
Bureau of Land Management
Utah State Office

Jacobs Smelter Superfund Site

The proposed amendment of the Pony Express RMP appears to be opening a corridor on public and private lands and through the Jacobs Smelter Superfund Site (Site) for: 1.) construction of the UNEV Pipeline, 2.) expansion of the UNEV Pipeline, and 3.) expansion of and/or use by other entities and other pipeline ROWs. The expansion impact is generally identified but not fully discussed and analyzed, especially as it pertains to the Site. The amendment of the BLM Management Plan in the area of the Site, and the pipeline proponent's concurrent application to obtain a ROW could adversely impact the Site. Each of these actions proposes allowances to pass through and impact federal and privately-owned lands within the Site, which may have multiple and separate implications for the Site. These potential impacts should be discussed in the FEIS. EPA also notes that the Planning Criteria listed in the DEIS do not include applicable environmental laws and regulations such as CERCLA and RCRA (see page 1-8). Due to this oversight, regulatory issues related to the Site, and subsequently the Management Plan amendment and pipeline ROW, may not have been fully identified and/or vetted. This oversight should be corrected in the FEIS.

The EPA Site Risk Assessment and Remedial Investigation are based on assumptions that the lead contamination contours contain the arsenic contaminated soils within the Site, and that removal of the lead contamination would remove all arsenic contamination. It appears that the proponent's sampling may have discovered areas in which this is not the case. These findings may alter both the risk assessments and Site-wide remedial planning that have occurred.

The Site is somewhat unusual in its risk scenario in that it presents two types of risks, both human health risks and environmental or "eco-risks," due to arsenic and lead contaminated soils. While the DEIS and POD mention increased access as an impact from the ROW project, neither document evaluates or analyzes impacts to either human health or the ecosystems from the increased access to areas of contaminated soils from the amendment of the Management Plan, or from construction, operation, and maintenance of the pipeline. The EIS should evaluate each impact with specific reference to each type of risk. Because the Site risk assessment and remedial planning may change due to recent sampling discoveries, EPA, BLM and the Utah Department of Environmental Quality (DEQ) will need to work through these issues prior to the selection of a pipeline route alternative in the FEIS.

The DEIS indicates that the proposed pipeline corridor through the Site is 200 feet wide and that the route may be adjusted in the field during construction. There are small pockets of high levels of contamination in the Site. According to the November 2008 Field Sampling Report submitted under separate cover to EPA, the existing sampling along the pipeline corridor

at a location every 250 feet does not appear to take into account this width, nor does it appear to manage the issues of field adjustments in the route during pipeline construction. Furthermore, technical issues exist for additional sampling proposed in the POD including: action levels, field sampling and drying techniques, commingling of trench spoils without prior sampling, segregation of top soils and sampling, and disposal of contaminated soils. Although EPA is pleased that additional data are being collected, we recommend that sampling be coupled with QA/QC along the corridor of the pipeline in order to properly analyze the soil composition in the project area. EPA has indications from the proponent that it is willing to perform additional sampling under EPA's guidance, and the POD states that "a sample will be taken from the spoils pile every 100 feet" during excavation of the trench for the pipeline (page 2-1).

The DEIS utilizes industrial/commercial levels of contamination to evaluate risks from the project. Using these levels to determine what constitutes "contamination" is inconsistent with existing Institutional Controls at the Site. These Institutional Controls restrict any disturbance of soils in the Site without an approved work plan if the soils contain greater than 500 parts per million (ppm) lead, whereas the POD is applying industrial/commercial levels of 2,200 ppm lead in its analysis. The use of 2,200 ppm lead levels indicates future use assumptions have been made by the proponent. Additional information is needed on plans for the land uses associated with the 2,200 ppm levels. The EIS should identify where future industrial/commercial use areas are planned to be located as it relates to the pipeline alignment.

Furthermore, it is unclear how blasting within the Site will be managed for the ROW, project and/or upon amendment of the Management Plan. The DEIS does not indicate any size for impact areas of blasting either from this pipeline or any future uses allowed by amendment of the Management Plan. The DEIS for the pipeline mentions blasting in water resource areas and possible impacts to water supplies from blasting, but does analyze specific direct impacts to the Site as it relates to water disturbances.

Additionally, it is unclear if there are soil compaction issues within the Site. Compaction is generally described as an impact, but not as it relates to contaminated soils, vegetation and riparian areas within the Site.

Finally, neither the DEIS nor the POD mention any possible impact of seismic issues. The DEIS states that the entire pipeline corridor runs through an active seismic area, but this information is not evaluated with regard to activities within the Site. Impacts from ground failure within the Site, which could cause pipeline rupture and release of hazardous substances, are not analyzed.

The EPA Jacobs Smelter Site Team or the Utah DEQ can provide further guidance as the FEIS is prepared. Contacts for EPA are Lisa Lloyd, Technical Lead, at 303-312-6537, or Katherine Letson, Enforcement Attorney, at 303-312-6641. Tom Daniels is the contact at the Utah DEQ for this Site, and can be reached at 801-536-4090.

Wetlands and Water Resources

CWA Regulatory Requirements

The DEIS states that a Clean Water Act (CWA) Section 404 Individual Permit from the U.S. Army Corps of Engineers will be completed for all actions that would involve the discharge of fill material into waters of the U.S. EPA emphasizes the critical need for the FEIS to adequately assess an appropriate range of reasonable and practicable alternatives that would meet the basic project purpose and need and avoid impacts to this aquatic resource consistent with the provisions of NEPA and the CWA Section 404(b)(1) Guidelines. Therefore, the FEIS may need to fully identify a least environmentally damaging practicable alternative (LEDPA) that has either completely avoided all impacts to jurisdictional wetlands and other waters of the U.S., or if this is not possible, demonstrate how the LEDPA alternative has avoided wetlands and other water impacts as much as possible. For those wetlands and waters impacted, the FEIS should provide a draft mitigation plan (currently not included in the DEIS) demonstrating that these unavoidable impacts can be offset by replacing wetlands losses and their functions. Appendix C of the POD "Wetland and Waterbody Construction and Mitigation Procedures for the UNEV Pipeline" appears to only include best management practices (BMPs) and is not sufficient to be considered a draft mitigation plan. A finalized detailed plan is not required for the FEIS, but will be needed in the CWA Section 404 permit process.

Executive Order 11990

The DEIS does not reference Protection of Wetlands, Executive Order (EO) 11990. Executive Order 11990 directs Federal Agencies to "take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities" and agencies are further directed, to the extent permitted by law, to "avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds (1) that there is no practicable alternative to such construction, and (2) that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use…." The FEIS should describe how the pipeline alternatives will address the wetland protection goals in E.O. 11990, as applicable.

Mitigation of project impacts to wetlands and other waters

In reviewing the DEIS, EPA could find no descriptive wetland mitigation plan that would be implemented by the proponent to offset project impacts. The DEIS and POD include a number of BMPs that the document has labeled as mitigation. Examples of this can be found on page 4-48 of the DEIS or in Appendix C of the POD. If implemented correctly, these BMPs can greatly reduce the project impacts, but losses to important environmental functions and values will occur in the placement of the UNEV pipeline and in the management of surface vegetation. A wetland mitigation plan should be developed to offset the function lost by the UNEV pipeline that would include both short-term and long-term impacts. EPA has identified the following areas where mitigation monitoring should be implemented to assure mitigation measures are successful.

- Regarding perennial water body crossings, the document on page 4-41 states "River banks could be susceptible to a higher rate of erosion following construction of the pipeline if not properly revegetated and compacted with material similar to those lining the bank on either side of the crossing." The document further states "These impacts would be short term and minor to moderate." EPA proposes that the FEIS provide a monitoring plan to assure erosion is not causing significant downstream concerns, and if it is, detail specific corrective measures that would be implemented.

- The DEIS does not state if rip-rap or gabion baskets would be used at river crossings where erosion is likely to occur. Please keep in mind that each of these actions will cause the loss or impair natural riparian redevelopment. If rip-rap or other hardening methods are going to be incorporated into the crossing, EPA recommends that the FEIS explore ways to reduce the use of this type of bank hardening and take a less engineered approach to bank protection. This could include log or rock river barbs, vegetative matting and log placements along the bank.

Hydrostatic Pipeline Testing

Although the DEIS does not state if hydrostatic pipeline testing will be conducted on the 399 mile long pipeline, Appendix C of the POD states that pipeline sections will undergo either radiographic inspections or hydrostatic testing for those segments to be installed under waterbodies or wetlands. If hydrostatic testing will be conducted to test for pre-use leaks, the FEIS will need to address the following issues:

- The amount of water that will be required for the hydrostatic testing and the location of where these water rights will be obtained.
- Once the water source is identified, disclose how the water will be discharged during testing. EPA has some significant concerns if water used for testing is discharged outside of its originating source (same drainage basin). This concern is based on the potential for the transfer of disease and nuisance organisms from one water basin to another, or one water body to another.
- Monitoring will need to be implemented and appropriate actions need to be outlined in the event that cross contamination problems are detected.

Pipeline Water crossings

The document states that the pipeline project will be crossing 141.49 acres of potentially CWA jurisdictional wetlands and an additional 58.67 acres of CWA jurisdictional waters (stream, lakes and rivers). Appendix C of the DEIS provides a table that lists these crossing, including the length of each crossing and in some cases the method used to cross these waters. EPA recommends that a more detailed list is included in the FEIS that discloses the impact area of waters of the U.S. at each stream crossing. In addition, a similar table should be provided to illustrate the impacts at each major wetland crossing and outline specific actions that will be implemented to reduce these impacts at each of these crossings.

Petroleum Spills/Leaks

In general, the DEIS should discuss the frequency or likelihood of a spill/leak, and describe spill and release response capabilities in greater detail. Pipeline leak identification and detection methods outside of inspections should be described in the DEIS, and emergency response measures and procedures should be outlined in the event of an accident or other emergency occurring not only during construction but also throughout pipeline operation. Overall, details on emergency response seem scattered throughout the DEIS, and an emergency response plan (ERP) is not included within the POD appendices.

Both the DEIS and POD state that there is a Spill Prevention and Control Plan (SPCP) that describes preventive and mitigative measures to avoid or minimize impacts of spills, particularly within any municipal watershed area or within 100 feet of any waterbody or wetland (see section 4.1 of the POD). Details of the SPCP are disclosed in Appendix I of the POD, however the plan appears to only focus on spills occurring during construction activities and does not address leaks that may occur post-construction. Additionally, the SPCP should include more information on 1.) the amount of fuel storage in the project area that is expected during construction and during pipeline operations, and 2.) the potential for petroleum releases and the proximity to water resources of the U.S. Please note that the proponent will need to evaluate the status of the Spill Prevention, Control and Countermeasure (SPCC) Rule in relation to the project to determine if the rule will be applicable at anytime during pipeline construction or operation. If applicable, the proponent will be required to develop an SPCC Plan which must be kept on site.

All releases of hazardous substances or oil spills greater than or equal to the reportable quantities must be reported to the National Response Center and the appropriate state agency. Therefore it is recommended that the second set of bullets on page I-7 of the SPCP be clarified to reflect that the UNEV Environmental Inspection Team does not have discretion or authority to make determinations on what constitutes a hazardous condition when reportable quantities are involved.

The DEIS should also disclose how long it would take a small leak of 1% or less of the flow to be detected. Small leaks may be difficult to detect and allow many thousands of barrels of petroleum product to discharge into the environment before a leak is detected. It is important that any proposed leak detection system adequately identify and detect small leaks. Smaller leaks frequently result in discharge of more petroleum product into the environment than larger leaks due to delayed detection.

EPA recommends that industry state-of-the-art pipeline leak monitoring and detection equipment and pipeline operation and valving systems be included in pipeline alternatives. A leak monitoring and detection system should provide continuous 24-hour per day pressure and temperature compensated mass balance and analysis for the pipeline. Pump station pressure, temperature, flow measurement, and vibration monitoring equipment and remote control automatic shut off capabilities in the event of a leak is recommended. High sensitivity shut-in leak tests should be performed at least at monthly intervals to identify the possible occurrence of a very small leak. On the ground inspection of the pipeline using portable hand held hydrocarbon monitors should also be carried out minimally on a biannual basis.

Ground Water and Source Water Protection Concerns

EPA is concerned about the risk and potential for a spill of petroleum product into the environment from the proposed pipeline, and the serious environmental impacts to surface and ground water resources that would accompany such a spill. Potential serious impacts from leaks should dictate that industry state-of-the art leak detection equipment and valves be incorporated into the selected alternative. All possible actions should be taken to lessen the probability of a spill/leak occurring, to decrease the magnitude of a spill/leak, and to reduce or mitigate the adverse consequences of a spill/leak.

Protection of Drinking Water

The main mitigation measures outlined in the DEIS related to drinking water contamination are associated with construction of the pipeline. Measures to protect groundwater from spills/leaks occurring during construction and during operations should be disclosed in the DEIS.

EPA commends the proponent for mitigating wells impacted by construction, including transporting potable water to the affected site or drilling a new well (see Appendix G, pages G-5 and G-6 of POD). However, EPA recommends that the same consideration be applied to wells impacted by spills/leaks. Additionally, an inventory of public water supplies, private wells and springs within 1 mile of the pipeline (instead of just 200 feet) should be conducted and all owners notified. Water quality monitoring on request should also be available for these well/spring owners.

Pipeline routing alternatives that avoid Drinking Water Source Protection (DWSP) Zones are preferred, and therefore analyses of pipeline route alternatives that avoid these DWSP Zones should be included in the DEIS. If the pipeline route is unable to avoid a DWSP Zone, EPA recommends that specific mitigation measures be applied to the 17 Utah DWSP Zones that the pipeline will cross. Examples of such measures could include but are not limited to: installation of double lining, corrosion protection, cathodic protection, additional water quality monitoring, and state-of-the-art leak detection methods. It would be prudent for the BLM to work with the Utah DEQ Source Water Protection Program (Kate Johnson, 801-536-4206) to identify vulnerable aquifers within the DWSP Zones and identify the mitigation measures that may be needed. EPA does recognize that "thicker walled pipe may be considered" near drinking water aquifers (DEIS page 4-38), and that "rapid deployment of spill response personnel and equipment would be emphasized," however specific details of an ERP is not provided.

EPA recommends that the DEIS disclose specific information about rates of release of petroleum products for 2-hour, 5-hour and 8-hour response times in the event of a pipeline rupture. On page 4-44, the DEIS states that accidental releases could become incorporated into the water and adversely affect water quality, however it does not outline the scope of potential impacts based on spatial and temporal factors and quantity of release.

Community water supply intakes located downstream of the proposed pipeline stream crossings should be identified and the distance to the project area disclosed. EPA recommends that mainline block valves and check valves be located upstream and downstream of river/stream crossings and crossings of DWSP Zones to allow stoppage of petroleum flow should leaks or pipeline damage occur at river and stream crossings. This would reduce potential discharge of petroleum product to surface waters.

Monitoring

EPA strongly suggests that water quality sampling of wells, as described in Appendix G, Section 2.1 of the POD, should also include analysis of BTEX and other indicator constituents that are found in petroleum products. Although it is unlikely petroleum contaminants would be discovered during baseline sampling, this would ensure a preconstruction baseline is established for any inadvertent spills that may occur once the pipeline is in operation. This sampling protocol would serve to protect both the proponent and the private land owners.

Financial Assurance

The DEIS should explain the proponent's approach to financial assurance for both public water supplies and private wells that may be impacted, including how the proponent will provide water monitoring, well or spring replacement, and/or groundwater or surface water cleanup.

Air Quality

General Comments

In the DEIS, existing air quality near the UNEV pipeline project areas of Utah and Nevada were discussed in very general terms with comparisons to the EPA's Air Quality Index and present attainment status conditions for the areas surrounding the project. It appears that no attempt was made to quantify emissions or determine project air quality impacts. EPA recommends a summary of existing ambient air conditions from monitoring sites located nearby. Existing data can be found at these locations:

http://www.epa.gov/air/data/index.html
http://www.epa.gov/ttn/airs/aqsdatamart/
http://www2.nature.nps.gov/air/monitoring/ads/adsreport.cfm
http://vista.cira.colostate.edu/views/

The DEIS described the general size of the proposed equipment to be used for the project, but offered no specific detail such as emission rates that may affect air quality. No discussion was included on type and volume of support vehicular traffic for the project. For full disclosure, EPA anticipates a specific accounting of all air emissions for the project. For construction projects of this type, fugitive PM10 pollution is the primary concern. EPA recommends that a fugitive dust control plan be included in the POD that incorporates best available control measures for reducing PM10, especially to existing PM10 non-attainment areas.

Specific Comments

1) Table 3.2-6 National Primary and Secondary Standards. The 1-hour Ozone standard is only applicable to existing early action compact areas. The 8-hour ozone standard was reduced in May 2008 to 75 ppb (147 ug/m3). The NAAQS for NOx should be changed to NO2.

2) Page 3-10. The second bulleted item presents a qualitative summary of ozone trends for Utah that should be updated with more current data. While the ozone trends in the Wasatch Front have gone down historically, with the recent promulgation of the new lower ozone standard (May 2008), several monitors in and around Salt Lake City have measured ozone in excess of the new standard during 2008.

3) Page 3-11. The first bulleted item presents a qualitative summary of existing PM trends for Utah that should be updated with more current data. While the PM conditions in the Wasatch Front have gone down historically, with the recent promulgation of the PM2.5 standard, several monitors in and around Salt Lake City may have recently violated the PM2.5 standard resulting in nonattainment designations.

4) Page 3-11 Sensitive Areas. Where monitoring data is available, existing visibility monitoring data should be presented in the EIS from monitoring stations in the Sensitive Areas illustrated in Exhibit 3.2-10.

Other Considerations

February 2009 Plan of Development

If not already posted on the BLM website, provide access to the February 2009 POD with appendices so that it's available to the public and decision-makers since it was not released concurrently with the November 2008 DEIS. The POD contains, among other things, relevant prevention and mitigation measures related to environmental impacts that are critical for proper project review.

Environmental Justice

Generally, the DEIS impact analysis is reasonably complete with regard to the Environmental Justice aspects. However, in order to conduct a proper disproportionate impact analysis, further demographic analysis would be suggested. This would include a closer review of those counties that have higher minority or poverty level demographics than the state averages.

The Socioeconomic and Environmental Justice section in the DEIS (pages 3-173 to 3-181) only examines the demographics from the counties that would be crossed by the proposed pipeline project. In order to make a determination of disproportionate impact, further analysis should be conducted to evaluate the areas in close proximity to the pipeline corridor, especially in those counties that have higher minority and low income communities. The DEIS discloses that Davis, Iron, Salt Lake, Tooele, and Washington counties all have higher minority and or poverty

level populations than the State averages. EPA recommends that areas smaller than counties should be analyzed in order to accurately assess environmental justice impacts (see Exhibit 3.14-8, page 3-181), especially considering the large size of many of the counties crossed by the pipeline.

Right-of Way

In reviewing the DEIS, information did not appear to be presented clearly on how existing utility line corridors are being used to reduce impacts. Although the Kern River Alignment is delineated on maps and referenced in the text, information is not organized in such a way that decision makers can easily understand the impacts. It should be clear which impacts will be taking place on new ROWs compared to existing ROWs where disturbances have already occurred in past utility line installations. In addition, for those land areas that will be utilized as new ROWs for the pipeline, it should be explained in greater detail if these new ROW sections will be restricted to only the UNEV pipeline or if they be open for additional below ground or above ground linear utilities. This information is especially critical concerning ROW sections crossing hazardous waste sites or areas containing hazardous substances.

Additional Seismic Concerns

The entire route of the proposed pipeline travels through an active seismic area. Although the DEIS states that the "types of material and topography evaluated for the Kern River alignment are similar to those encountered along the UNEV pipeline route from MP 0 to MP 249.5" (pages 3-23 to 3-24), EPA recommends that an individual ground failure analysis be performed in those areas of the UNEV Pipeline that significantly deviate from the Kern River alignment within these mileposts. Additionally, the Kern River evaluation recognized a potential for a 6-foot vertical ground failure in relation to the natural gas pipelines. It does not appear that this potential impact has been fully analyzed for petroleum products.

Wilderness Areas

Although currently the proposed pipeline project does not cross any areas designated as Wilderness under the Wilderness Act, or cross any areas designated as Wilderness Study Areas that are currently managed for wilderness values, the last page of Appendix A of the DEIS discloses that there is a proposal from the Utah Wilderness Coalition that contains 3,900 acres of lands identified as having wilderness characteristics all within the existing utility corridor. It is recommended that an assessment of impacts to this proposed wilderness area be included in the FEIS if there is a possibility the project could effect the designation.

Miscellaneous

EPA recommends that the summary of environmental effects of the Proposed Action and Action Alternatives outlined in Exhibit 2.5-2 (page 2-43) should include the No Action alternative in the comparison.